

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: Complaints Charging 70 Current and  
Former NYCHA Employees.

**Affirmation in Support of  
Application for Order of  
Continuance**

State of New York )  
County of New York : ss.:  
Southern District of New York )

JACOB R. FIDDELMAN, pursuant to Title 28, United States Code, Section 1746,  
hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A), in the cases listed in Exhibit A to the enclosed proposed order (the “Cases”). This is the fourth order of continuance that has been sought in the Cases.

2. The defendants in each of the Cases were charged in Complaints with violations of 18 U.S.C. §§ 666(a)(1)(B) and/or 371 (solicitation and receipt of a bribe by an agent of an organization receiving federal funds, and conspiracy to commit the same) and 1951 (extortion under color of official right and/or conspiracy to commit the same), and in some cases additional offenses. The defendants were arrested on February 6, 2024, and were presented before various Magistrate Judges on February 6 and 7, 2024, at which proceedings each defendant was represented by counsel and ordered released on bail with certain conditions.

3. At the presentments on February 6 and 7, 2024, or as later adjourned on consent, preliminary hearings in each of the Cases were scheduled for March 7, 2024, after defense counsel consented to extend the deadline within which to conduct a preliminary hearing. Under the Speedy Trial Act, the Government had until March 7, 2024, within which to file an indictment or information. *See* 18 U.S.C. § 3161(b).

4. On March 4, 2024, Magistrate Judge Ona T. Wang entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in each of the Cases until April 8, 2024.

5. On April 5, 2024, Magistrate Judge Robyn F. Tarnofsky entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in each of the Cases until May 8, 2024.

6. On May 6, 2024, Magistrate Judge Gary Stein entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in each of the Cases until June 7, 2024.

7. Defense counsel for each of the defendants in the Cases and counsel for the Government have had discussions regarding a possible disposition of each of the Cases. The parties plan to continue our discussions but do not anticipate a resolution before June 7, 2024.

8. Therefore, the Government requests a 30-day continuance until July 8, 2024, to continue the foregoing discussions toward resolving these matters. For each of the Cases listed in Exhibit A, I or one of the other Assistant United States Attorneys responsible for the Cases

personally corresponded with each defense counsel, who stated that the respective defendant consents to an extension of the preliminary hearing and Speedy Trial Act deadlines to July 8, 2024, and has specifically consented to this request. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

8. For the reasons stated above, good cause supports extension of the preliminary hearing deadlines, and the ends of justice served by the granting of the requested continuance of the indictment deadlines outweigh the best interests of the public and defendants in a speedy trial.

Dated: New York, New York  
June 5, 2024



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JACOB R. FIDDELMAN  
Assistant United States Attorney  
212-637-1024